

## 81<sup>st</sup> Legislative Session Summary

### Legislation Affecting the Department of State Health Services

#### Newborn Screening

**HB 1671** (Rep. Crownover/Senator Nelson) Relating to mutual aid agreements for newborn screening laboratory services. HB 1671 allows the Department of State Health Services (DSHS) to enter into mutual aid agreements to provide newborn screening laboratory services to another state and to receive newborn screening laboratory services from another state in the event of service interruptions. It also requires that mutual aid agreements address confidentiality of the identity of the newborn child and the child's family and ensures return of specimens and related records back to the state that received the newborn screening laboratory services. **Effective date: September 1, 2009.**

**HB 1672** (Rep. Crownover/Senator Deuell) Relating to newborn screening. HB 1672 requires DSHS to develop a disclosure statement to notify parents that the department or a laboratory established or approved by the department may retain and use genetic material obtained for newborn screening. It offers parents the opportunity to provide a written request to prohibit the use of the genetic material and have it destroyed. At the time the screening sample is taken, physicians or persons attending the delivery of a newborn will be responsible for providing a copy of the written disclosure to the parents. The disclosure statement must also be made available through alternative sources. DSHS must destroy the genetic material within 60 days of receipt of the request to destroy. The bill also allows adults whose own specimens are stored to opt-out of specimen storage.

HB 1672 also specifically states how newborn screening specimens and data can or cannot be used and provides specific guidance to DSHS on confidentiality and permissible uses of newborn screening specimens and data. This will clarify the existing statute to allow multiple uses required by the laboratory to improve testing services and share data with other newborn screening and DSHS programs.

The bill requires that a study of newborn screening in Texas be completed by December 15, 2010 to: a) evaluate the timeframe and procedures for disclosure; b) determine if DSHS should be required to confirm bloodspot destruction to parents; and c) evaluate possible standardization of the disclosure process at healthcare facilities throughout Texas.

HB 1672 also requires screening and case management services for sickle cell trait. **Effective immediately.**

**HB 1795** (Rep. Pierson/Senator Uresti) Relating to newborn screening and the creation of the Newborn Screening Advisory Committee. HB 1795 requires DSHS to expand the newborn screening tests to screen for disorders listed in the secondary targets of the uniform newborn screening panel to the extent funding is available. The bill allows DSHS to screen for other disorders or conditions on the advice of the newborn screening advisory committee, and to exclude screenings for galactose epimerase and galactokinase. It also requires DSHS to establish an advisory committee to advise the department on additional newborn screening tests.

In addition, HB 1795 updates statutory provisions on HIV testing for pregnant women to make them consistent with recommendations from the Centers for Disease Control and Prevention. **Effective date: September 1, 2009.**

### **Infectious Disease**

**SB 346** (Senator Nelson/Rep. Kolkhorst) Relating to information submitted to and maintained in the immunization registry after an individual becomes an adult. SB 346 authorizes a person to maintain an immunization record in ImmTrac beyond the person's 18th birthday and sets out procedures for submission and maintenance of information in the immunization registry (ImmTrac). **Effective date: September 1, 2009.**

**HB 448** (Rep. Hopson/Senator Carona) Relating to requiring the DSHS to implement a provider choice system in the vaccines for children program. HB 448 requires DSHS to provide a vaccine selected by a health care provider if the cost to DSHS of providing the vaccine is not more than 115 percent of the lowest-priced equivalent vaccine. **Effective date: September 1, 2009.**

**HB 1362** (Rep. Gutierrez/Senator Van de Putte) Relating to the pilot program for reporting of methicillin-resistant *Staphylococcus aureus* (MRSA) infections. HB 1362 amends current law relating to the pilot program for reporting of MRSA infections. It also requires DSHS to submit a report to the Legislature by September 1, 2011, on the effectiveness of the pilot program in tracking and reducing MRSA infections within the area served by the health authority participating in the pilot program. **Effective date: September 1, 2009.**

### **Preparedness**

**SB 347** (Senator Nelson/Rep. Kolkhorst) Relating to the receipt and release of immunization information by the immunization registry in connection with a disaster; providing penalties. SB 347 authorizes DSHS to exchange immunization records stored in ImmTrac, the state's immunization registry, with other state and local health departments during disasters or emergencies involving evacuations or relocations. **Effective date: September 1, 2009.**

**SB 1171** (Senator Nichols/Rep. McReynolds) Relating to certain health-related reports, records, and information. SB 1171 authorizes the sharing of certain health-related reports, records, and information regarding communicable diseases or health conditions among public health districts, local health departments, and DSHS. **Effective immediately.**

**SB 1328** (Senator Nelson/Rep. Naishtat) Relating to a study on the feasibility of providing vaccines to first responders deployed to a disaster area. SB 1328 requires DSHS to conduct a study assessing the feasibility of providing vaccines to a first responder who may be exposed to disease during deployment to a disaster area. **Effective immediately.**

**HB 1831** (Rep. Corte/Senator Carona) Relating to disaster preparedness and emergency management and to certain vehicles used in emergencies; providing a penalty. HB 1831 requires that DSHS establish a public health extension service pilot program in Health Service Region 11 to support the local public health and medical infrastructure and address biosecurity threats and that DSHS create a program to inform the public of the most efficient way to evacuate based on the nature of the disaster and the individual's medical needs. **Effective date: September 1, 2009.**

### **Children's Health**

**SB 61** (Senator Zaffirini/Rep. Vaught) Relating to the offense of failing to secure a child passenger in a motor vehicle and to fines for the offense. SB 61 brings state child safety seat requirements in line with federal standards. Fines collected under this law are deposited in an account appropriated to the Texas Department of Transportation and used to purchase child passenger safety seat systems which are distributed to low-income families by DSHS. **Effective date: September 1, 2009.**

**SB 2080** (Senator Uresti/Rep. McClendon) Relating to treating and reducing child abuse and neglect and improving child welfare, including providing assistance for adoptive parents and foster care providers. SB 2080 creates the Texas Child Abuse Resources and Education System (MEDCARES) grant program to support the development of regional programs to improve the assessment, diagnosis and treatment of child abuse and neglect. The Executive Commissioner of HHSC is required to establish an advisory committee for the program. DSHS must report the results and outcomes of the grants program by December 1 of each even-numbered year. **Effective date: September 1, 2009.**

**HCR 88** (Rep. John Davis/Senator Hinojosa) Directing the Texas Department of State Health Services and the Texas Education Agency to seek out opportunities to educate parents of adolescent Texans regarding the importance of adolescents' receiving regular physical exams and updated immunizations.

### **Health Care Infrastructure and Access**

**SB 526** (Senator Nelson/Rep. Martinez) Relating to grants for Federally Qualified Health Centers (FQHCs). SB 526 reauthorizes the FQHC incubator grant program and allows it to support new or expanded services. **Effective date: August 31, 2009.**

**HB 2154** (Rep. Edwards/Senator Hinojosa) Relating to the physician education loan repayment program. HB 2154 expands the physician loan repayment program by creating new funding opportunities through an ad valorem tax charge on smokeless tobacco. A memorandum of understanding between DSHS and the Higher Education Coordinating Board will transfer appropriations and staff to DSHS. **Effective date: September 1, 2009.**

**HB 2217** (Rep. Flores/Senator Hinojosa) Relating to partnering with the United States Department of Veterans Affairs and other federal agencies to establish a veterans hospital in the Rio Grande Valley region of the state. The bill requires DSHS to work with the federal agencies to help establish a veteran's hospital in the Rio Grande Valley. **Effective immediately.**

### **Regulatory Programs**

**SB 527** (Senator Nelson/Rep. Kolkhorst) Relating to certain mammography systems that fail certification standards. SB 527 modifies notification requirements for mammography facilities with serious violations to ensure that they communicate with the patients who were affected by the violation. **Effective date: September 1, 2009.**

**SB 968** (Senator West/Rep. Truitt) Relating to interactive water features and fountains. SB 968 authorizes a county, a municipality, or DSHS to require the owner or operator of an interactive water feature or fountain to obtain a permit for operation of the water feature or fountain. The county, municipality, or state would also be authorized to inspect the feature or fountain for compliance with health requirements set forth in the bill. **Effective immediately.**

**SB 1082** (Senator Huffman/Rep. Laubenberg) Relating to the storage, maintenance, and distribution of mammography medical records. SB 1082 provides for maintenance of mammography records from failed facilities. **Effective date: September 1, 2009.**

**SB 1645** (Senator Van de Putte/Rep. Hopson) Relating to the distribution of a prescription drug and a study of the feasibility of establishing separate reimbursement under the Medicaid vendor drug program for certain pharmacy care management service. SB 1645 allows an exemption to be provided by rule from pedigree requirements in cases where a state agency or political subdivision would incur cost. **Effective date: September 1, 2009.**

**SB 1732** (Senator West/Rep. Harless) Relating to safety requirements for public swimming pools and other artificial bodies of water. SB 1732 requires HHSC to adopt by rule pool safety standards to prevent drowning and requires an owner, manager, operator, or other attendant in charge of certain public water facilities to comply with those standards. This bill is based on the federal Virginia Graeme Baker Pool and Spa Safety Act. **Effective date: September 1, 2009.**

**HB 449** (Rep. J. Jackson/Senator Deuell) Relating to the regulation of laser hair removal facilities. HB 449 requires laser hair removal processes to be performed by a certified laser hair removal professional or by an individual under the supervision of a certified professional. The bill establishes levels of expertise in laser hair removal to be regulated by DSHS. It requires each laser hair removal facility to be licensed and each facility to retain the services of a consulting physician to develop and review each facility's procedures and protocol. **Effective date: September 1, 2009, although certain provisions take effect on September 1, 2010.**

**HB 461** (Rep. Eissler/Senator Huffman) Relating to the regulation of dyslexia practitioners and therapists. HB 461 creates a new title-protection licensing program for dyslexia practitioners and therapists. The bill also creates an advisory committee to make recommendations to DSHS in administering this legislation. **Effective date: September 1, 2009, although certain provisions take effect on September 1, 2010.**

**HB 1357** (Rep. Isett/Senator Deuell) Relating to the regulation of freestanding emergency medical care facilities. The bill creates a regulatory program for freestanding emergency medical care facilities that DSHS will administer. The bill prohibits a person from establishing or operating a freestanding emergency medical care facility in this state without a license after September 1, 2010. **Effective date: September 1, 2009, although some provisions take effect on March 1 or September 1 of 2010.**

### **Hospital Reporting**

**SB 203** (Senator Shapleigh/Rep. Coleman) Relating to healthcare associated infections and preventable adverse events in certain health care facilities. SB 203 amends the existing statute on healthcare associated infections by adding a requirement to report the causative pathogen if the infection is laboratory-confirmed. It also requires DSHS to include reports by health care facilities of preventable adverse events in the healthcare-associated infections system. **Effective date: September 1, 2009.**

### **Behavioral Health**

**SB 1325** (Senator Nelson/Rep. Corte) Relating to the creation of a mental health intervention program for military veterans. SB 1325 directs DSHS to create a peer-to-peer mental health program to provide counseling to military veterans. The bill requires DSHS to solicit and train volunteers to provide the peer-to-peer counseling. **Effective immediately.**

**HB 1232** (Rep. Menendez/Senator Van de Putte) Relating to establishing a local behavioral health intervention pilot project. HB 1232 establishes a local behavioral health pilot project that will provide diversion to a system of care including a behavioral health treatment placement for children and youth in Bexar County who are at risk of placement in an alternative setting for behavior management. HB 1232 requires the local mental health authority for Bexar County – The Center for Health Care Services – to enter into memoranda of understanding with a number of state agencies, including DSHS, serving children and adolescents for the purpose of coordinating behavioral health services for children of Bexar County. **Effective date: September 1, 2009.**

**HB 1233** (Rep. Menendez/Senator Van de Putte) Relating to the court-ordered administration of psychoactive medication to certain criminal defendants. HB 1233 allows for court-ordered medication for certain criminally committed patients in Texas whose treatment is frequently interrupted when they return to jail to await disposition of their cases. It also provides a mechanism for court-ordered medications for those forensic patients who are out of a jail setting and being treated in an outpatient setting. These types of patients frequently are stabilized in a DSHS State Hospital only to decompensate when transitioned to another setting, which then requires their return to a State Hospital. **Effective immediately.**

**HB 2196** (Rep. Truitt/Senator Deuell) Relating to the establishment of a workgroup to study and make recommendations on the integration of health and behavioral health services. HB 2196 requires the creation of a workgroup on the integration of health and behavioral health services and creates a task force for children with special needs, defined as individuals younger than 22 with a chronic illness, intellectual or developmental disabilities, or mental illness. **Effective immediately.**

### **Vital Statistics**

**SB 703** (Senator Nelson/Rep. Rose) Relating to the provision of a certified copy of a birth certificate for certain minors receiving services from the Department of Family and Protective Services (DFPS) and to the amendment of birth and death certificates. SB 703 exempts DFPS from the collection of fees for certified copies of birth certificates and birth verifications for children in the managing conservatorship of DFPS if parental rights have been terminated and the child is eligible for adoption. It also requires the Vital Statistics Unit (VSU) to notify applicants of whether their application for an amended birth certificate will be accepted within 30 days. **Effective date: September 1, 2009.**

**HB 2161** (Rep. S. Turner/Senator Whitmire) Relating to a personal identification certificate or driver's license issued to present or former inmates of the Texas Department of Criminal Justice (TDCJ). HB 2161 requires TDCJ, the Department of Public Safety, and VSU to cooperate in their respective responsibilities regarding the issuance of a personal identification certificate. Under HB 2161, TDCJ is required to reimburse DPS and DSHS for costs incurred. **Effective date: September 1, 2009.**

### **DSHS Facilities and Staff**

**SB 643** (Senator Nelson/Rep. Rose) Relating to the protection and care of individuals with mental retardation and to certain legal protections for individuals with disabilities. SB 643 addresses state schools operated by the Department on Aging and Disability Services (DADS). The same requirements of SB 643 affect the Intermediate Care Facility – Mental Retardation (ICF-MR) component of the Rio Grande State Center (RGSC) operated by DSHS. **Effective immediately.**

**HB 1884** (Rep. Pena/Senator Hinojosa) Relating to authorizing the conveyance of certain state real property from the Department of State Health Services to Hidalgo County for the provision of outpatient health care services or another public purpose. The 80th Legislature appropriated funds that authorized DSHS to construct a primary care and substance abuse treatment facility in Hidalgo County. In order for DSHS to construct the facility, the property on which the facility was to be built had to be transferred to the state. HB 1884 requires DSHS to transfer the property back to Hidalgo County upon completion of the facility in January 2010 so that the county can operate the facility. **Effective immediately.**

**HB 2917** (Rep. McReynolds/Senator Shapiro) Relating to authorizing the DSHS to obtain criminal history record information for certain applicants for employment. Previous to HB 2917, statutes authorized criminal background checks and annual renewals for applicants and employees of the State Mental Health Hospitals. HB 2917 expands the authority of DSHS obtain criminal history record information for certain applicants for employment, employees, and in some cases contractors at the Texas Center for Infectious Disease, South Texas Health Care System, Vital Statistics Unit, or Council on Sex Offenders. **Effective immediately.**